

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 927**

**Introduced by Assembly Member Mullin**

February 18, 2005

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An act to amend Sections 8208, 8235, 8236, 8237, and 8263 of, to amend the heading of Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of, and to add Article 7.5 (commencing with Section ~~8238~~ 8237.1) to Chapter 2 of Part 6 of, the Education Code, relating to early education, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 927, as amended, Mullin. School readiness centers.

Existing law, the Child Care and Development Services Act, declares the intent of the Legislature to provide a comprehensive, coordinated, and cost-effective system of child care and development services for children and their parents. Existing law defines terms related to the provision of child care and development services.

Existing law requires the Superintendent of Public Instruction to administer all state preschool programs in accordance with specified funding priorities. Existing law provides for the certification and enrollment of families in these programs.

This bill would replace all references to state preschool programs in those provisions with references to part day school readiness centers, as defined. ~~This bill would require the Superintendent of Public Instruction to develop prekindergarten academic standards and~~

~~program design standards for part day school readiness centers, as specified.~~

This bill would establish full day school readiness centers and require the Superintendent of Public Instruction to administer them. ~~This bill would require the Superintendent of Public Instruction to develop prekindergarten academic standards and program design standards for full day school readiness centers, as specified.~~ This bill would make ~~these~~ *the* provisions relating to full day school readiness centers operative on July 1, 2006.

This bill would also make technical, nonsubstantive changes.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) There is increasing support for the state early education  
4 and preschool programs serving low-income families that prepare  
5 children for success in the primary grades.

6 (b) The Superintendent of Public Instruction has developed  
7 and disseminated prekindergarten learning and development  
8 guidelines and is currently developing school readiness standards  
9 and supporting school readiness networks.

10 (c) There is a need to clarify the goals of existing state  
11 preschool programs and general child care preschool centers in  
12 order to establish a more clear articulation with elementary and  
13 secondary educational goals, curriculum, and performance.

14 (d) It is the intent of the Legislature to encourage the  
15 development of school readiness centers in catchment areas  
16 where public primary schools are struggling with academic  
17 performance.

18 SEC. 2. Section 8208 of the Education Code is amended to  
19 read:

20 8208. As used in this chapter:

21 (a) "Alternative payments" includes payments that are made  
22 by one child care agency to another agency or child care provider  
23 for the provision of child care and development services, and

1 payments that are made by an agency to a parent for the parent's  
2 purchase of child care and development services.

3 (b) "Alternative payment program" means a local government  
4 agency or nonprofit organization that has contracted with the  
5 department pursuant to Section 8220.2 to provide alternative  
6 payments and to provide support services to parents and  
7 providers.

8 (c) "Applicant or contracting agency" means a school district,  
9 community college district, college or university, county  
10 superintendent of schools, county, city, public agency, private  
11 nontax-exempt agency, private tax-exempt agency, or other  
12 entity that is authorized to establish, maintain, or operate services  
13 pursuant to this chapter. Private agencies and parent  
14 cooperatives, duly licensed by law, shall receive the same  
15 consideration as any other authorized entity with no loss of  
16 parental decisionmaking prerogatives as consistent with the  
17 provisions of this chapter.

18 (d) "Assigned reimbursement rate" is that rate established by  
19 the contract with the agency and is derived by dividing the total  
20 dollar amount of the contract by the minimum child day of  
21 average daily enrollment level of service required.

22 (e) "Attendance" means the number of children present at a  
23 child care and development facility. "Attendance," for the  
24 purposes of reimbursement, includes excused absences by  
25 children because of illness, quarantine, illness or quarantine of  
26 their parent, family emergency, or to spend time with a parent or  
27 other relative as required by a court of law or that is clearly in the  
28 best interest of the child.

29 (f) "Capital outlay" means the amount paid for the renovation  
30 and repair of child care and development facilities to comply  
31 with state and local health and safety standards, and the amount  
32 paid for the state purchase of relocatable child care and  
33 development facilities for lease to qualifying contracting  
34 agencies.

35 (g) "Caregiver" means a person who provides direct care,  
36 supervision, and guidance to children in a child care and  
37 development facility.

38 (h) "Child care and development facility" means any residence  
39 or building or part thereof in which child care and development  
40 services are provided.

(i) “Child care and development programs” means those programs that offer a full range of services for children from infancy to 13 years of age for any part of a day, by a public or private agency, in centers and family child care homes. These programs include, but are not limited to, all of the following:

- (1) Campus child care and development.
- (2) General child care and development.
- (3) Migrant child care and development.
- (4) Child care provided by the California School Age Families Education Program (Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29).
- (5) Part day school readiness centers.
- (6) Full day school readiness centers.
- (7) Resource and referral.
- (8) Child care and development services for children with special needs.
- (9) Family child care home education network.
- (10) Alternative payment.
- (11) Child abuse protection and prevention services.
- (12) Schoolage community child care.

(j) “Child care and development services” means those services designed to meet a wide variety of needs of children and their families, while their parents or guardians are working, in training, seeking employment, incapacitated, or in need of respite. These services may include direct care and supervision, instructional activities, resource and referral programs, and alternative payment arrangements.

(k) “Children at risk of abuse, neglect, or exploitation” means children who are so identified in a written referral from a legal, medical, or social services agency, or emergency shelter.

(l) “Children with exceptional needs” means infants and toddlers, from birth to 36 months of age, inclusive, who have been determined eligible for early intervention services pursuant to the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) and its implementing regulations, and children three years of age and older who have been determined to be eligible for special education and related services by an individualized education program team according to the special education requirements contained in Part 30 (commencing with Section 56000), and

1 meeting eligibility criteria described in Section 56026 and  
 2 Sections 56333 to 56338, inclusive, and Sections 3030 and 3031  
 3 of Title 5 of the California Code of Regulations. These children  
 4 shall have an active individualized education program or  
 5 individualized family service plan, and be receiving early  
 6 intervention services or appropriate special education and  
 7 services. These children, ages birth to 21 years, inclusive, may be  
 8 autistic, developmentally disabled, hearing impaired, speech  
 9 impaired, visually impaired, seriously emotionally disturbed,  
 10 orthopedically impaired, otherwise health impaired,  
 11 multihandicapped, or children with specific learning disabilities,  
 12 who require the special attention of adults in a child care setting.

13 (m) “Closedown costs” means reimbursements for all  
 14 approved activities associated with the closing of operations at  
 15 the end of each growing season for migrant child development  
 16 programs only.

17 (n) “Cost” includes, but is not limited to, expenditures that are  
 18 related to the operation of child care and development programs.  
 19 “Cost” may include a reasonable amount for state and local  
 20 contributions to employee benefits, including approved  
 21 retirement programs, agency administration, and any other  
 22 reasonable program operational costs. “Cost” may also include  
 23 amounts for licensable facilities in the community served by the  
 24 program, including lease payments or depreciation,  
 25 downpayments, and payments of principal and interest on loans  
 26 incurred to acquire, rehabilitate, or construct licensable facilities,  
 27 but these costs shall not exceed fair market rents existing in the  
 28 community in which the facility is located. “Reasonable and  
 29 necessary costs” are costs that, in nature and amount, do not  
 30 exceed what an ordinary prudent person would incur in the  
 31 conduct of a competitive business.

32 (o) “Elementary school,” as contained in Section 425 of Title  
 33 20 of the United States Code (the National Defense Education  
 34 Act of 1958, Public Law 85-864, as amended), includes early  
 35 childhood education programs and all child development  
 36 programs, for the purpose of the cancellation provisions of loans  
 37 to students in institutions of higher learning.

38 (p) “Family child care home education network” means an  
 39 entity organized under law that contracts with the department  
 40 pursuant to Section 8245 to make payments to licensed family

1 child care home providers and to provide educational and support  
2 services to those providers and to children and families eligible  
3 for state-subsidized child care and development services. A  
4 family child care home education network may also be referred  
5 to as a family child care home system.

6 (q) “Health services” include, but are not limited to, all of the  
7 following:

8 (1) Referral, whenever possible, to appropriate health care  
9 providers able to provide continuity of medical care.

10 (2) Health screening and health treatment, including a full  
11 range of immunization recorded on the appropriate state  
12 immunization form to the extent provided by the Medi-Cal Act  
13 (Chapter 7 (commencing with Section 14000) of Part 3 of  
14 Division 9 of the Welfare and Institutions Code) and the Child  
15 Health and Disability Prevention Program (Article 6  
16 (commencing with Section 124025) of Chapter 3 of Part 2 of  
17 Division 106 of the Health and Safety Code), but only to the  
18 extent that ongoing care cannot be obtained utilizing community  
19 resources.

20 (3) Health education and training for children, parents, staff,  
21 and providers.

22 (4) Followup treatment through referral to appropriate health  
23 care agencies or individual health care professionals.

24 (r) “Higher educational institutions” means the Regents of the  
25 University of California, the Trustees of the California State  
26 University, the Board of Governors of the California Community  
27 Colleges, and the governing bodies of any accredited private  
28 nonprofit institution of postsecondary education.

29 (s) “Intergenerational staff” means persons of various  
30 generations.

31 (t) “Limited-English-speaking-proficient and  
32 non-English-speaking-proficient children” means children who  
33 are unable to benefit fully from an English-only child care and  
34 development program as a result of either of the following:

35 (1) Having used a language other than English when they first  
36 began to speak.

37 (2) Having a language other than English predominantly or  
38 exclusively spoken at home.

39 (u) “Parent” means a biological parent, stepparent, adoptive  
40 parent, foster parent, caretaker relative, or any other adult living

1 with a child who has responsibility for the care and welfare of the  
2 child.

3 (v) "Program director" means a person who, pursuant to  
4 Sections 8244 and 8360.1, is qualified to serve as a program  
5 director.

6 (w) "Proprietary child care agency" means an organization or  
7 facility providing child care, which is operated for profit.

8 (x) "Resource and referral programs" means programs that  
9 provide information to parents, including referrals and  
10 coordination of community resources for parents and public or  
11 private providers of care. Services frequently include, but are not  
12 limited to: technical assistance for providers, toy-lending  
13 libraries, equipment-lending libraries, toy- and  
14 equipment-lending libraries, staff development programs, health  
15 and nutrition education, and referrals to social services.

16 (y) "Severely disabled children" are children with exceptional  
17 needs from birth to 21 years of age, inclusive, who require  
18 intensive instruction and training in programs serving pupils with  
19 the following profound disabilities: autism, blindness, deafness,  
20 severe orthopedic impairments, serious emotional disturbances,  
21 or severe mental retardation. "Severely disabled children" also  
22 include those individuals who would have been eligible for  
23 enrollment in a developmental center for handicapped pupils  
24 under Chapter 6 (commencing with Section 56800) of Part 30 as  
25 it read on January 1, 1980.

26 (z) "Short-term respite child care" means child care service to  
27 assist families whose children have been identified through  
28 written referral from a legal, medical, or social services agency,  
29 or emergency shelter as being neglected, abused, exploited, or  
30 homeless, or at risk of being neglected, abused, exploited, or  
31 homeless. Child care is provided for less than 24 hours per day in  
32 child care centers, treatment centers for abusive parents, family  
33 child care homes, or in the child's own home.

34 (aa) (1) "Site supervisor" means a person who, regardless of  
35 his or her title, has operational program responsibility for a child  
36 care and development program at a single site. A site supervisor  
37 shall hold a permit issued by the Commission on Teacher  
38 Credentialing that authorizes supervision of a child care and  
39 development program operating in a single site. The  
40 Superintendent of Public Instruction may waive the requirements

1 of this subdivision if the Superintendent determines that the  
2 existence of compelling need is appropriately documented.

3 (2) In respect to part day school readiness centers, a site  
4 supervisor may qualify under any of the provisions in this  
5 subdivision, or may qualify by holding an administrative  
6 credential or an administrative services credential. A person who  
7 meets the qualifications of a site supervisor under both Section  
8 8244 and subdivision (e) of Section 8360.1 is also qualified  
9 under this subdivision.

10 (ab) “School readiness centers” means part day and full day  
11 educational programs for low-income prekindergarten-age  
12 children. It is the intent of the Legislature that “part day school  
13 readiness centers” take the place of “state preschool” wherever  
14 that term has previously been used in statutes or regulations.

15 (ac) “Standard reimbursement rate” means that rate  
16 established by the Superintendent of Public Instruction pursuant  
17 to Section 8265.

18 (ad) “Startup costs” means those expenses an agency incurs in  
19 the process of opening a new or additional facility prior to the  
20 full enrollment of children.

21 (ae) “State preschool services” means part day educational  
22 programs for low-income or otherwise disadvantaged  
23 prekindergarten-age children.

24 (af) “Support services” means those services that, when  
25 combined with child care and development services, help  
26 promote the healthy physical, mental, social, and emotional  
27 growth of children. Support services include, but are not limited  
28 to: protective services, parent training, provider and staff  
29 training, transportation, parent and child counseling, child  
30 development resource and referral services, and child placement  
31 counseling.

32 (ag) “Teacher” means a person with the appropriate permit  
33 issued by the Commission on Teacher Credentialing who  
34 provides program supervision and instruction that includes  
35 supervision of a number of aides, volunteers, and groups of  
36 children.

37 (ah) “Underserved area” means a county or subcounty area,  
38 including, but not limited to, school districts, census tracts, or  
39 ZIP Code areas, where the ratio of publicly subsidized child care



1 and development program services to the need for these services  
2 is low, as determined by the Superintendent of Public Instruction.

3 (ai) “Workday” means the time that the parent requires  
4 temporary care for a child for any of the following reasons:

5 (1) To undertake training in preparation for a job.

6 (2) To undertake or retain a job.

7 (3) To undertake other activities that are essential to  
8 maintaining or improving the social and economic function of the  
9 family, are beneficial to the community, or are required because  
10 of health problems in the family.

11 SEC. 3. The heading of Article 7 (commencing with Section  
12 8235) of Chapter 2 of Part 6 of Division 1 of Title 1 of the  
13 Education Code is amended to read:

14  
15 Article 7. Part Day School Readiness Centers  
16

17 SEC. 4. Section 8235 of the Education Code is amended to  
18 read:

19 8235. (a) The Superintendent shall administer all part day  
20 school readiness centers in accordance with the funding priorities  
21 set forth in Section 8236. Those programs shall include, but not  
22 be limited to, part day and preschool appropriate programs for  
23 prekindergarten children three to five years of age. Preschool  
24 programs for which federal reimbursement is not available shall  
25 be funded as prescribed by the Legislature in the Budget Act, and  
26 unless otherwise specified by the Legislature, shall not utilize  
27 federal funds made available through Title XX of the Social  
28 Security Act (42 U.S.C. Sec. 1397).

29 (b) Federal Head Start funds used to provide services to  
30 families receiving part day school readiness center services shall  
31 be deemed nonrestricted funds.

32 ~~(c) The Superintendent shall develop prekindergarten~~  
33 ~~academic standards that are consistent with the standards adopted~~  
34 ~~by the Board of Education for kindergarten and primary grades,~~  
35 ~~and prepare children for success in kindergarten and later grades,~~  
36 ~~including all aspects of development. The standards shall~~  
37 ~~include, but not be limited to, the following:~~

38 ~~(1) Early literacy.~~

39 ~~(2) Early numeracy.~~

40 ~~(3) Other areas of cognitive development.~~

- 1 ~~(4) Social and emotional development.~~
- 2 ~~(5) Motor coordination, including small and large motor~~
- 3 ~~development.~~
- 4 ~~(6) Development of creativity and artistry.~~
- 5 ~~(7) Age and developmentally appropriate activities for~~
- 6 ~~children.~~
- 7 ~~(8) Assessment of children to create individual learning and~~
- 8 ~~development plans.~~
- 9 ~~(9) Developmental profiles for children.~~
- 10 ~~(10) Use of a curriculum, chosen by each contractor, that~~
- 11 ~~meets state standards.~~
- 12 ~~(d) The Superintendent shall develop program design~~
- 13 ~~standards essential to a successful program, including:~~
- 14 *(c) Part day school readiness center programs shall include,*
- 15 *but not be limited to, all of the following:*
- 16 *(1) Child development and early learning standards, as*
- 17 *specified by the Superintendent, that are consistent with and*
- 18 *prepare children for success in kindergarten and later grades.*
- 19 *(2) Age and developmentally appropriate activities for*
- 20 *children.*
- 21 *(3) Developmental profiles for children enrolled in the*
- 22 *program.*
- 23 ~~(1)~~
- 24 (4) Staff training and career ladder opportunities,
- 25 documentation of which shall be provided to the State
- 26 Department of Education.
- 27 ~~(2)~~
- 28 (5) Supervision to ensure the safety of children.
- 29 ~~(3)~~
- 30 (6) Nutrition.
- 31 ~~(4)~~
- 32 (7) Parent education and parent involvement.
- 33 ~~(5)~~
- 34 (8) Social and health services that include, but are not limited
- 35 to, identification of child and family needs, health screenings for
- 36 children, and referral to appropriate agencies as needed.
- 37 ~~(6)~~
- 38 (9) Articulation with public school kindergarten.
- 39 ~~(7)~~

1 (10) Transition activities for preschool children entering  
2 kindergarten.

3 ~~(8)~~

4 (11) Accountability measures.

5 (e) Priority for receiving part day school readiness center  
6 services shall be given to low-income families who meet the  
7 eligibility standards as established by the Superintendent, in  
8 accordance with the priorities set forth in Section 8236.

9 (f) Reimbursement for part day school readiness center  
10 programs shall be on a per capita basis, as determined by the  
11 Superintendent.

12 (g) Any agency described in subdivision (c) of Section 8208 as  
13 an “applicant or contracting agency” is eligible to contract to  
14 operate a part day school readiness center.

15 SEC. 5. Section 8236 of the Education Code is amended to  
16 read:

17 8236. (a) For purposes of this section, the following  
18 definitions apply:

19 (1) “Eligible children” means children who are currently  
20 eligible for the part day school readiness center program.

21 (2) “Four-year-old children” means those children who will  
22 have their fourth birthday on or before December 2 of the fiscal  
23 year in which they are enrolled in a part day school readiness  
24 program.

25 (3) “Local educational agency” means a school district, a  
26 county office of education, a community college district, or a  
27 school district on behalf of one or more schools within the school  
28 district.

29 (4) “Superintendent” means the Superintendent of Public  
30 Instruction.

31 (5) “Three-year-old children” means those children who will  
32 have their third birthday on or before December 2 of the fiscal  
33 year in which they are enrolled in a part day school readiness  
34 center program.

35 (b) (1) Each applicant or contracting agency funded pursuant  
36 to Section 8235 shall give first priority to neglected or abused  
37 children who are recipients of child protective services, or  
38 recipients who are at risk of being neglected or abused, upon  
39 written referral from a legal, medical, or social service agency. If  
40 an agency is unable to enroll a child in this first priority category,

1 the agency shall refer the child's parent or guardian to local  
2 resource and referral services so that services for the child can be  
3 located.

4 (2) After children in the first priority category set forth in  
5 paragraph (1) are served, each agency funded pursuant to Section  
6 8235 shall serve eligible four-year-old children prior to serving  
7 eligible three-year-old children. Each agency shall certify to the  
8 Superintendent that enrollment priority is being given to eligible  
9 four-year-old children.

10 (c) For part day school readiness center programs operating  
11 with funding that was initially allocated in a prior fiscal year, at  
12 least half the children enrolled at a center site shall be  
13 four-year-olds. Any exception to this requirement shall be  
14 approved by the Superintendent. The Superintendent shall inform  
15 the Secretary of Child Development and Education of any  
16 exceptions that have been granted.

17 (d) The following provisions apply to the award of any new  
18 funding for the expansion of the part day school readiness center  
19 program that is appropriated by the Legislature for that purpose  
20 in any fiscal year:

21 (1) In an application for those expansion funds, an agency  
22 shall furnish the Superintendent with an estimate of the number  
23 of four-year-old and three-year-old children that it plans to serve  
24 in the following fiscal year with those expansion funds. The  
25 agency also shall furnish documentation that indicates the basis  
26 of those estimates.

27 (2) In awarding contracts for expansion pursuant to this  
28 subdivision, the Superintendent, after taking into account the  
29 geographic criteria established pursuant to Section 8289, and the  
30 headquarters preferences and eligibility criteria relating to fiscal  
31 or programmatic noncompliance established pursuant to Section  
32 8261, shall give priority to applicant agencies that, in expending  
33 the expansion funds, will be serving the highest percentage of  
34 four-year-old children.

35 (3) (A) Agencies that receive funding for the expansion of a  
36 part day school readiness center program shall enroll children in  
37 the following priority order:

38 (i) Neglected or abused children who are recipients of child  
39 protective services, or recipients who are at risk of being

1 neglected or abused, upon written referral from a legal, medical,  
2 or social services agency.

3 (ii) Four-year-old children who are eligible for a part day  
4 school readiness center.

5 (B) Otherwise, children shall be enrolled based on other  
6 statutory and regulatory priorities for a part day school readiness  
7 center.

8 (e) This section does not preclude a local educational agency  
9 from subcontracting with an appropriate public or private agency  
10 to operate a part day school readiness center and to apply for  
11 funds made available for the purposes of this section. If a school  
12 district chooses not to operate or subcontract for a part day  
13 school readiness center, the Superintendent shall work with the  
14 county office of education and other eligible agencies to explore  
15 possible opportunities in contracting or alternative subcontracting  
16 to provide a part day school readiness center program.

17 (f) This section does not prevent eligible children who are  
18 currently receiving services from continuing to receive those  
19 services in future years pursuant to this chapter.

20 SEC. 6. Section 8237 of the Education Code is amended to  
21 read:

22 8237. A part day school readiness center program applicant  
23 or contracting agency has 120 calendar days prior to the first day  
24 of the beginning of the new preschool year to certify eligibility  
25 and enroll families into their program.

26 SEC. 7. Article 7.5 (commencing with Section ~~8238~~ 8237.1)  
27 is added to Chapter 2 of Part 6 of the Education Code, to read:

28  
29 Article 7.5. Full Day School Readiness Centers

30  
31 ~~8238.~~

32 8237.1. (a) The Superintendent shall administer all full day  
33 school readiness centers. This program shall include full-day,  
34 center-based programs for prekindergarten age children.

35 (b) Contracts issued to contracting agencies in the 2005–06  
36 fiscal year for the following program types shall be consolidated  
37 under this article effective commencing with the 2006–07 fiscal  
38 year.

39 (1) Full Day State Preschool.

(2) General child care and development contracts for center based care for prekindergarten children.

(3) Federal Child Care and Development Fund contracts for center-based care for prekindergarten age children.

~~(e) The Superintendent of Public Instruction shall develop prekindergarten academic standards that articulate with the standards adopted by the State Board of Education for kindergarten and primary grades, and prepare children for success in kindergarten and later grades, including all aspects of development. The standards shall include, but not be limited to:~~

~~(1) Early literacy.~~

~~(2) Early numeracy.~~

~~(3) Other areas of cognitive development.~~

~~(4) Social and emotional development.~~

~~(5) Motor coordination, including small and large motor development.~~

~~(6) Development of creativity and artistry.~~

~~(7) Age and developmentally appropriate activities for children.~~

~~(8) Assessment of children to create individual learning and development plans.~~

~~(9) Developmental profiles for children.~~

~~(10) Use of a curriculum, chosen by each contractor, which meets state standards.~~

~~(d) The Superintendent of Public Instruction shall develop program design standards essential to a successful program, including:~~

~~(c) Full day school readiness center programs shall include, but not be limited to, all of the following:~~

~~(1) Child development and early learning standards, as specified by the Superintendent, that are consistent with and prepare children for success in kindergarten and later grades.~~

~~(2) Age and developmentally appropriate activities for children.~~

~~(3) Developmental profiles for children enrolled in the program.~~

~~(4)~~

(4) Staff training and career ladder opportunities, documentation of which shall be provided to the State Department of Education.

- 1 ~~(2)~~
- 2 (5) Supervision to ensure the safety of children.
- 3 ~~(3)~~
- 4 (6) Nutrition.
- 5 ~~(4)~~
- 6 (7) Parent education and parent involvement.
- 7 ~~(5)~~
- 8 (8) Social and health services that include, but are not limited
- 9 to, identification of child and family needs, health screenings for
- 10 children, and referral to appropriate agencies as needed.
- 11 ~~(6)~~
- 12 (9) Articulation with public school kindergarten.
- 13 ~~(7)~~
- 14 (10) Transition activities for preschool children entering
- 15 kindergarten.
- 16 ~~(8)~~
- 17 (11) Accountability measures.
- 18 ~~(e)~~
- 19 (d) Programs operated pursuant to this section may be
- 20 designed to meet needs identified by parents or guardians which
- 21 may include, but are not limited to, the following:
- 22 (1) Weekday care.
- 23 (2) Weekend care.
- 24 (3) Night shift care.
- 25 (4) Worksite care.
- 26 (5) Temporary emergency care.
- 27 (6) Child care for ill children.
- 28 (f) Programs operated under this section shall comply with the
- 29 requirements of Section 8244.
- 30 SEC. 8. Section 8263 of the Education Code is amended to
- 31 read:
- 32 8263. (a) The Superintendent shall adopt rules and
- 33 regulations on eligibility, enrollment, and priority of services
- 34 needed to implement this chapter. In order to be eligible for
- 35 federal and state subsidized child development services, families
- 36 shall meet at least one requirement in each of the following areas:
- 37 (1) A family is (A) a current aid recipient, (B) income eligible,
- 38 (C) homeless, or (D) one whose children are recipients of
- 39 protective services, or whose children have been identified as

1 being abused, neglected, or exploited, or at risk of being abused,  
2 neglected, or exploited.

3 (2) A family needs the child care service because (A) the child  
4 is identified by a legal, medical, social service agency, or  
5 emergency shelter as (i) a recipient of protective services or (ii)  
6 being neglected, abused, or exploited, or at risk of neglect, abuse,  
7 or exploitation, or (B) because the parents are (i) engaged in  
8 vocational training leading directly to a recognized trade,  
9 paraprofession, or profession, (ii) employed or seeking  
10 employment, (iii) seeking permanent housing for family stability,  
11 or (iv) incapacitated.

12 (b) Except as provided in Article 15.5 (commencing with  
13 Section 8350), priority for state and federally subsidized child  
14 development services is as follows:

15 (1) (A) First priority shall be given to neglected or abused  
16 children who are recipients of child protective services, or  
17 children who are at risk of being neglected or abused, upon  
18 written referral from a legal, medical, or social services agency.  
19 If an agency is unable to enroll a child in the first priority  
20 category, the agency shall refer the family to local resource and  
21 referral services to locate services for the child.

22 (B) A family who is receiving child care on the basis of a child  
23 being at risk of abuse, neglect, or exploitation, as defined in  
24 subdivision (k) of Section 8208, is eligible to receive services  
25 pursuant to subparagraph (A) for up to three months, unless the  
26 family becomes eligible pursuant to subparagraph (C).

27 (C) A family may receive child care services for up to 12  
28 months on the basis of a certification by the county child welfare  
29 agency that child care services continue to be necessary or, if the  
30 child is receiving child protection services during that period of  
31 time, and the family requires child care and remains otherwise  
32 eligible. This time limit does not apply if the family's child care  
33 referral is recertified by the county child welfare agency.

34 (2) Second priority shall be equally given to eligible families,  
35 regardless of the number of parents in the home, who are income  
36 eligible. Within this priority, families with the lowest gross  
37 monthly income in relation to family size, as determined by a  
38 schedule adopted by the Superintendent, shall be admitted first. If  
39 two or more families are in the same priority in relation to  
40 income, the family that has a child with exceptional needs shall



1 be admitted first. If there is no family of the same priority with a  
2 child with exceptional needs, the same priority family that has  
3 been on the waiting list for the longest time shall be admitted  
4 first. For purposes of determining order of admission, the grants  
5 of public assistance recipients shall be counted as income.

6 (3) The Superintendent shall set criteria for and may grant  
7 specific waivers of the priorities established in this subdivision  
8 for agencies that wish to serve specific populations, including  
9 children with exceptional needs or children of prisoners. These  
10 new waivers may not include proposals to avoid appropriate fee  
11 schedules or admit ineligible families, but may include proposals  
12 to accept members of special populations in other than strict  
13 income order, as long as appropriate fees are paid.

14 (c) Notwithstanding any other law, in order to promote  
15 continuity of services, a family enrolled in a state or federally  
16 funded child care and development program whose services  
17 would otherwise be terminated because the family no longer  
18 meets the program income, eligibility, or need criteria may  
19 continue to receive child development services in another state or  
20 federally funded child care and development program if the  
21 contractor is able to transfer the family's enrollment to another  
22 program for which the family is eligible prior to the date of  
23 termination of services or to exchange the family's existing  
24 enrollment with the enrollment of a family in another program,  
25 provided that both families satisfy the eligibility requirements for  
26 the program in which they are being enrolled. The transfer of  
27 enrollment may be to another program within the same  
28 administrative agency or to another agency that administers state  
29 or federally funded child care and development programs.

30 (d) A physical examination and evaluation, including  
31 age-appropriate immunization, shall be required prior to, or  
32 within six weeks of, enrollment. A standard, rule, or regulation  
33 shall not require medical examination or immunization for  
34 admission to a child care and development program of a child  
35 whose parent or guardian files a letter with the governing board  
36 of the child care and development program stating that the  
37 medical examination or immunization is contrary to his or her  
38 religious beliefs, or provide for the exclusion of a child from the  
39 program because of a parent or guardian having filed the letter.  
40 However, if there is good cause to believe that a child is suffering

1 from a recognized contagious or infectious disease, the child  
2 shall be temporarily excluded from the program until the  
3 governing board of the child care and development program is  
4 satisfied that the child is not suffering from that contagious or  
5 infectious disease.

6 (e) Regulations formulated and promulgated pursuant to this  
7 section shall include the recommendations of the State  
8 Department of Health Services relative to health care screening  
9 and the provision of health care services. The Superintendent  
10 shall seek the advice and assistance of these health authorities in  
11 situations where service under this chapter includes or requires  
12 care of ill children or children with exceptional needs.

13 (f) (1) The Superintendent shall establish a fee schedule for  
14 families utilizing child care and development services pursuant to  
15 this chapter, including families receiving services under  
16 paragraph (1) of subdivision (b). Families receiving services  
17 under subparagraph (B) of paragraph (1) of subdivision (b) may  
18 be exempt from these fees for up to three months. Families  
19 receiving services under subparagraph (C) of paragraph (1) of  
20 subdivision (b) may be exempt from these fees for up to 12  
21 months. The cumulative period of time of exemption from these  
22 fees for families receiving services under paragraph (1) of  
23 subdivision (b) shall not exceed 12 months.

24 (2) The income of a recipient of federal supplemental security  
25 income benefits pursuant to Title XVI of the federal Social  
26 Security Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental  
27 program benefits pursuant to Title XVI of the federal Social  
28 Security Act and Chapter 3 (commencing with Section 12000) of  
29 Part 3 of Division 9 of the Welfare and Institutions Code may not  
30 be included as income for the purposes of determining the  
31 amount of the family fee.

32 (g) The family fee schedule shall include, but not be limited  
33 to, the following restrictions:

34 (1) No fees shall be assessed for families whose children are  
35 enrolled in the part day school readiness center program.

36 (2) A contractor or provider may require parents to provide  
37 diapers. A contractor or provider offering field trips either may  
38 include the cost of the field trips within the service rate charged  
39 to the parent or may charge parents an additional fee. Federal or  
40 state money may not be used to reimburse parents for the costs of

1 field trips if those costs are charged as an additional fee. A  
2 contractor or provider that charges parents an additional fee for  
3 field trips shall inform parents, prior to enrolling the child, that a  
4 fee may be charged and that no reimbursement will be available.  
5 A contractor or provider may charge parents for field trips or  
6 require parents to provide diapers only under the following  
7 circumstances:

8 (A) The provider has a written policy that is adopted by the  
9 agency's governing board that includes parents in the  
10 decisionmaking process regarding both of the following:

11 (i) Whether or not, and how much, to charge for field trip  
12 expenses.

13 (ii) Whether or not to require parents to provide diapers.

14 (B) The maximum total of charges per child in a contract year  
15 does not exceed twenty-five dollars (\$25).

16 (C) No child is denied participation in a field trip due to the  
17 parent's inability or refusal to pay the charge. Adverse action  
18 may not be taken against any parent for that inability or refusal.

19 Each contractor or provider shall establish a payment system  
20 that prevents the identification of children based on whether or  
21 not their parents have paid a field trip charge.

22 Expenses incurred and income received for field trips pursuant  
23 to this section shall be reported to the State Department of  
24 Education. The income received for field trips shall be reported  
25 specifically as restricted income.

26 (h) The Superintendent shall establish guidelines for the  
27 collection of employer-sponsored child care benefit payments  
28 from any parent whose child receives subsidized child care and  
29 development services. These guidelines shall provide for the  
30 collection of the full amount of the benefit payment, but not to  
31 exceed the actual cost of child care and development services  
32 provided, notwithstanding the applicable fee based on the fee  
33 schedule.

34 (i) The Superintendent shall establish guidelines according to  
35 which the director or a duly authorized representative of the child  
36 care and development program will certify children as eligible  
37 for state reimbursement pursuant to this section.

38 (j) Public funds may not be paid directly or indirectly to any  
39 agency that does not pay at least the minimum wage to each of its  
40 employees.

1 SEC. 9. In order to avoid making changes to existing full day  
2 programs in the middle of a fiscal year, Section 7 of this act shall  
3 become operative July 1, 2006.

4 SEC. 10. This act is an urgency statute necessary for the  
5 immediate preservation of the public peace, health, or safety  
6 within the meaning of Article IV of the Constitution and shall go  
7 into immediate effect. The facts constituting the necessity are:

8 In order that the children of eligible California families may be  
9 better prepared to perform well upon entering kindergarten at the  
10 earliest possible time, it is necessary that this act take effect  
11 immediately.